

PRESENT

Commissioner Lynn Bowers
Commissioner Kathy Carter
Commissioner Doug Howard
Commissioner Rodney Williams

Mayor May (5)

ABSENT

None (0)

The meeting was called to order by Mayor May. Rev. Chuck Beighle, Memorial Baptist Church, gave the invocation, and John Hammond led the reciting of the Pledge of Allegiance.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the Board dispense with the reading of the minutes of the July 28, 2008 Regular Meeting; and August 11, 2008 Work Session, and adopt the minutes as presented, without correction. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Mayor May reported on the awards presentation earlier in the day of the Safe Routes to School grant in the amount of \$89,185.

“AN ORDINANCE TO AMEND THE CITY OF FRANKFORT’S CODE OF ORDINANCES – CHAPTER 36 –AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS; BY AMENDING SECTION 36.017.F. OF ORD. 1, 1999, ORD. 15, 1999, AND ORD. 13, 2002; BY AMENDING SECTION 36.066 (B) OF 1970 CODE, \$2.48.030; AND BY AMENDING SECTION 36.067.(B) OF 1970 CODE, \$2.48.030” was presented and read. This Ordinance had its first reading on July 28, 2008. It was moved by Commissioner Carter, seconded by Commissioner Howard, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 17, 2008 Series).

“AN ORDINANCE AMENDING THE FRANKFORT CODE OF ORDINANCES, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION; SECTION 150.01. – BUILDING CODE, SUB-SECTIONS 150.01(B)(2); 150.01(B)(3)(H); 150.01(B)(5); 150.01(C); AND 150.06 (A)(1) IS HEREBY AMENDED AS INDICATED IN THIS ORDINANCE” was presented and read. This Ordinance had its first reading on July 28, 2008. It was moved by Commissioner Williams, seconded by Commissioner Carter, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 18, 2008 Series).

“AN ORDINANCE CREATING THE POSITIONS OF BUILDING MAINTENANCE FOREMAN AND GIS TECHNICIAN” was presented and read. This Ordinance had its first reading on July 28, 2008. It was moved by Commissioner Howard, seconded by Commissioner Williams, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 19, 2008 Series).

“AN ORDINANCE AMENDING THE FRANKFORT CODE OF ORDINANCES SECTION 37.32 – PAY PLAN – TO ESTABLISH THE RATE OF PAY FOR THE NEW POSITION OF BUILDING MAINTENANCE FOREMAN” was presented and read. This Ordinance had its first reading on July 28, 2008. It was moved by Commissioner Williams, seconded by Commissioner Bowers, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 20, 2008 Series).

“AN ORDINANCE AMENDING THE FRANKFORT CODE OF ORDINANCES SECTION 37.35 – POSITIONS FOR SEWER DEPARTMENT – TO ESTABLISH THE RATE OF PAY FOR THE NEW POSITION OF GIS TECHNICIAN” was presented and read. This Ordinance had its first reading on July 28, 2008. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 21, 2008 Series).

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2009 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read.

Mayor May declared the public hearing on Item 3.7, An Ordinance Fixing the Rate of Taxation for the Year of 2008 on all Tangible Property Subject to Tax, Trust, and Insurance Companies, Public Service Companies and Levying Said Tax for all City Purposes, open for public comments. There being no comments, it was moved by Commissioner Howard, seconded by Commissioner Carter, that the public hearing be closed. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted and the public hearing closed.

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2008 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read.

At the request of Commissioner Williams, and following a report from Public Works Director Jeff Hackbart, “AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 50, GARBAGE; SOLID WASTE, SECTION 50.10, RECYCLING PROGRAM” was presented and read.

“RESOLUTION ASSIGNING THE CITY OF FRANKFORT EMERGENCY MANAGEMENT DIRECTOR AS THE PRIMARY APPLICANT’S AGENT AND THE CITY OF FRANKFORT FINANCE DIRECTOR AS THE ALTERNATE APPLICANT’S AGENT TO ADMINISTER FEMA DISASTER RELIEF AND GRANT FUNDING (FRANKFORT OFFICE OF DISASTER AND EMERGENCY SERVICES)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 13, 2008 Series).

Following discussion “RESOLUTION SUPPORTING THE FRANKFORT AREA’S 10 YEAR PLAN TO REDUCE CHRONIC HOMELESSNESS” was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 14, 2008 Series).

Mayor May submitted Vote Modification Forms concerning Consent Agenda items 6.2, and 6.13. The following miscellaneous and personnel items were presented:

- 6.1 Authorized bidding for an elevator for the Capital City Museum; project to be bid for a general contractor and elevator company; elevator company to be a subcontractor of the general contractor; cost estimated at \$100,000; \$100,000 cost to be funded by Museum Board (\$15,000), Fort Hill Construction Account (\$10,000), Account NO. 100.85.54325 (\$20,000), and Account NO. 100.85.56550 (\$55,000); other than Museum Board funding, all funds available in current budget (Parks and Recreation);
- 6.2 Ratified the purchase of property from Alice Hume at 312-314 St. Clair Street, known as the St. Clair Parking Garage property; fifty percent of the property, owned by Ms. Hume, purchased for \$250,000; funds available in the Transportation Improvement Account No. 530.00.51100 (City Solicitor);

- 6.3 Approved annual maintenance contract between the City of Frankfort and Governmental Utilities Technology Service PVD Collect Program to service the property tax software program; cost is approximately \$9,000 less that current software in use (Finance);
- 6.4 Authorized a mowing, weed eating and bush hogging agreement with Stan's Lawn Care LLC (Stanley I. Ritchie, Jr.), and authorized the Mayor to execute the service contract; funds allocated within the Planning and Building Codes Department Account No. 100.70.53295; all services conducted under this contract to be billed to property owners and reimbursed into this account; a lien to be placed upon property, with interest, if bills not paid (Planning and Building Codes);
- 6.5 Awarded a contract to Vanguard Contracting for construction of 310-feet of 8-inch PVC pipe and one Manhole on the 100 block of Shelby Street; contract amount \$94,750 available in Account No. 400.68.53295; there is a KIA grant to offset this project cost in the amount of \$230,000 (Sewer);
- 6.6 Authorized approval of Amendment to the Engineering Services Agreement with HDR Engineering, Inc. (formally known as Quest Engineers) for additional services during construction of the Schenkel Cave Project; cost of Amendment #3 is \$115,000, bringing total contract funding to \$551,200; funds available in Account No. 300.68.56550 (Sewer);
- 6.7 Authorized contract award to Cleary Construction, Inc. for replacement of approximately 1300-feet of 8-in clay sewer and 11 brick manholes with 8-in PVC and Precast manholes along Allnut Drive; funds available in Account No. 300.68.56550 (Sewer);
- 6.8 Authorized award of an engineering contract for design of the Indian Hills Sewer Extension – Supplemental Environmental Project #1; contract awarded to the team of Lee Engineering, LLC and Cann-Tech, LLC; initial contract amount is in the process of being negotiated; additional funds to be necessary upon completion of the Engineering Design for bidding, construction administration, construction observation and other services as may be required; funds are available in Sewer Account No. 300.68.56550 (Sewer);
- 6.9 Authorized award of a contract for the Engineering Design of the Westover Sewer Extension – Supplemental Environmental Project #2;; contract awarded to Kenvirons, Inc.; initial contract amount is in the process of being negotiated. Additional funds will be necessary upon completion of the Engineering Design for bidding, construction administration, construction observation and other services as may be required; funds available in Sewer Account No. 300.68.56550 (Sewer).
- 6.10 Authorized contract award to HMB Professional Engineers for the preparation of an Operations and Maintenance Manual for the Wastewater Treatment Plant; total fee for the design is \$92,500; funds available in Account No. 200.68.53265 (Sewer);
- 6.11 Authorized additional funding to Continuing Engineering Services Agreement with Strand Associates, Inc. for engineering services related to the CSO Long Term Control Plan; additional funding of \$300,000 will bring total contract amount to \$939,800; funds available in Account No. 300.68.56550 (Sewer);
- 6.12 Approved a Settlement Agreement regarding collection services provided by Kentucky Accounts Services; Settlement Agreement provides for termination of the contract between Kentucky Accounts Service and the City of Frankfort, and provides for the equal distribution of any and all monies received pursuant to judgment liens filed by the attorneys for Kentucky Accounts Service (Finance);
- 6.13 Authorized the Mayor to sign the Deed between the City of Frankfort and the Hendricks heirs for the purchase of 312-314 St. Clair Street, known as the St. Clair Parking Garage; twenty-five percent of the property owned by Hendricks heirs; twenty-five percent interest in property to be purchased for \$125,000; funds available in the Transportation Improvement Account No. 530.00.51100 (City Solicitor);
- 6.14 Approved an Agreement regarding the payment of \$1,200 due to violations of the Frankfort Property Maintenance Code owed by Willard Robbins (City Solicitor);
- 6.15 Approved a Pool Usage Agreement between Frankfort Area Swim Team (F.A.S.T.) and the City of Frankfort; F.A.S.T. to pay the City of Frankfort the amount of \$750 for the usage of the pool and will also provide liability insurance for its use of the pool (Parks and Recreation);
- 6.16 Approved an Agreement between the City of Frankfort and Judy Graves/Just Kidz Child Care Center regarding the payment of delinquent net profits taxes and withholding taxes; payment amount of \$5,115.15 includes taxes due, plus penalty and interest and attorneys fees (City Solicitor);
- 6.17 Approved a Lease Modification Agreement between the City of Frankfort and the Commonwealth of Kentucky Department of Juvenile Justice; modification of Lease Agreement to reflect that the landlord for the Department of Juvenile Justice is the City of Frankfort rather than New Market Associates, Inc.; the monthly rent to be paid to the City of Frankfort by the Commonwealth of Kentucky Department of Juvenile Justice is \$3,612 (City Solicitor);
- 6.18 Authorized the Mayor to sign a Joint Funding Agreement with the U.S. Geological Survey (USGS) to operate the gauging station upstream of Lock 4 in the Kentucky River; funds available in Account No. 200.68.53295; Annual cost to the Department to be \$2,580 (October 1, 2008 – September 30, 2009) (Sewer);
- 6.19 Approved a Memorandum of Agreement between the City of Frankfort and the Commonwealth of Kentucky concerning fleet maintenance services; agreement to allow city vehicles to be repaired at the State Garage for a labor rate of \$20.00/hour plus any required parts, supplies, and government disposal fees; the State Garage to complete all maintenance services on a vehicle that has a total cost of one thousand dollars (\$1,000.00) or less; State Garage to complete or contract repairs with an estimated cost of up to five thousand dollars (\$5,000.00) after obtaining the approval of the city; repairs over \$5,000 to be responsibility of the city; 20/jhour labor rate to be paid from City Garage's budget, with parts and supplies charges to appropriate department budget (Public Works);
- 6.20 Authorized the following personnel action:
- Promotion of Daniel E. Fey to Collection System Supervisor from Sewer Tech IV, effective 8-26-08 (Sewer).

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Consent Agenda be approved. All members being present the motion to approve the consent agenda was adopted without objection. Mayor May abstained from voting, having submitted Vote Modification Forms for Consent Agenda Items 6.2 and 6.13.

Following discussion regarding the encouraging of restaurants to not use materials that are not recyclable, item to be placed on September 8, 2008 Work Session agenda for discussion.

Following discussion, it was moved by Commissioner Howard, seconded by Commissioner Carter, to authorize an application for a Kentucky Injury Prevention and Research Center Mini-Grant (KIPRC), and to authorize the Mayor to sign all grant – related documents. The city could receive \$1000 credit for fire safety materials and \$2,000 reimbursement for expenses. The question was put upon the motion and the roll called. Those voting in favor were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Citizen Comments

Ann Gibbs commented concerning the Resolution adopting the 10-year plan for homelessness (Item 5.2). Following discussion, it was moved by Commissioner Bowers, seconded by Commissioner Carter, to rescind the approval of the Resolution approved as Agenda Item 5.2. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, and Carter (2). Those voting against the motion were Commissioners Howard, and Williams, and Mayor May (3). The motion failed to be adopted.

It was moved by Commissioner Howard, seconded by Commissioner Carter, to amend the language in Resolution 5.2 to read "RESOLUTION SUPPORTING THE CREATION OF FRANKFORT AREA'S 10 YEAR PLAN TO REDUCE CHRONIC HOMELESSNESS." The question was put upon the motion and the roll called. Those voting in favor were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Earl Jeffries commented regarding an upcoming public meeting to be held at the Thornhill Education Center.

Commissioner Comments

Commissioner Carter commented concerning John Hammond, and the Frankfort Police Department. Commissioner Howard offered condolences to Planning Director Gary Muller on the recent loss of his mother. At the request of Commissioner Williams, Public Works Director Jeff Hackbart reported on the City's recycling program.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the meeting adjourn. **The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted, and the meeting was adjourned at 6:20 p.m.**

Attest:

City Clerk